

CHAPTER 1174
SANITARY DISPOSAL PROJECTS
H.F. 2301

AN ACT relating to sanitary disposal projects.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.304, Code Supplement 1985, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules prohibiting the disposal of uncontained liquid waste in a sanitary landfill.

Sec. 2. Section 455B.304, unnumbered paragraph 1, Code Supplement 1985, is amended to read as follows:

The commission shall establish rules for the proper administration of this part 1 of division IV which shall reflect and accommodate as far as is reasonably possible the current and generally accepted methods and techniques for treatment and disposition of solid waste which will serve the purposes of this part 1 of this division, and which shall take into consideration the factors, including others which it deems proper, such as existing physical conditions, topography, soils and geology, climate, transportation, and land use, and which shall include but are not limited to rules relating to the establishment and location of sanitary disposal projects, sanitary practices, inspection of sanitary disposal projects, collection of solid waste, disposal of solid waste, pollution controls, the issuance of permits, approved methods of private disposition of solid waste, the general operation and maintenance of sanitary disposal projects, and the implementation of this part 1 of this division. The rules shall require that each sanitary disposal project has a sufficient number of water wells to adequately monitor the quality of ground water adjacent to the sanitary disposal project site. Prior to issuance of rules or amendments to rules, the commission shall hold at least one public hearing on the proposed rules or amendments, and shall give notice of the hearing at least thirty days in advance by publishing notice in a newspaper of general circulation in the state.

Sec. 3. Section 455B.304, Code Supplement 1985, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules requiring that each sanitary disposal project established pursuant to section 455B.302 and permitted pursuant to section 455B.305 install and maintain a sufficient number of groundwater monitoring wells to adequately determine the quality of the groundwater and the impact the sanitary disposal project, if any, is having on the groundwater adjacent to the sanitary disposal project site.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules requiring a schedule of monitoring of the quality of groundwater adjacent to the sanitary disposal project from the groundwater monitoring wells installed in accordance with this section during the period the sanitary disposal project is in use. Schedules of monitoring may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operation characteristics, and volumes and types of wastes handled at the sanitary disposal project site.

NEW UNNUMBERED PARAGRAPH. The commission shall, by rule, require continued monitoring of groundwater pursuant to this section for a period of twenty years after the sanitary disposal project is closed. The commission may prescribe a lesser period of monitoring duration and frequency in consideration of the potential or lack thereof for groundwater

contamination from the sanitary disposal project. The commission may extend the twenty-year monitoring period on a site-specific basis by adopting rules specifically addressing additional monitoring requirements for each sanitary disposal project for which the monitoring period is to be extended.

NEW UNNUMBERED PARAGRAPH. The commission shall adopt rules which may require the installation of shafts to relieve the accumulation of gas in a sanitary disposal project.

Approved May 2, 1986

CHAPTER 1175
SANITARY LANDFILLS
H.F. 2397

AN ACT relating to sanitary landfills.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.301, subsection 4, Code Supplement 1985, is amended by striking the subsection and inserting the following:

4. "Sanitary landfill" means a sanitary disposal project where solid waste is buried between layers of earth.

Sec. 2. Section 455B.305, Code 1985, is amended to read as follows:

455B.305 CERTIFICATION OF PLANS BY DIRECTOR.

1. The executive director shall issue, revoke, suspend, modify, or deny permits for the construction and operation of sanitary disposal projects.

A permit shall be issued by the executive director or at the executive director's direction, by a local board of health, for each sanitary disposal project operated in this state. The permit shall be issued in the name of the city or county or, where applicable, in the name of the public or private agency operating the project. Each sanitary disposal project shall be inspected annually by the department or a local board of health. The permits issued pursuant to this section shall be in addition to any other licenses, permits or variances authorized or required by law, including, but not limited to, the provisions of chapter 358A. A permit may be suspended or revoked by the executive director if a sanitary disposal project is found not to meet the requirements of part 1 of this division or rules issued under part 1 of this division. The suspension or revocation of a permit may be appealed to the commission.

2. Beginning July 1, 1988, the executive director shall not issue a permit for the construction or operation of a new sanitary landfill unless the permit applicant has filed a plan as required by section 455B.306.

3. Beginning July 1, 1988, the executive director shall not renew or reissue a permit which had been initially issued prior to that date for a sanitary landfill, unless the permit applicant has filed a plan as required by section 455B.306.

4. Beginning July 1, 1994, the executive director shall not renew or reissue a permit which had been initially issued or renewed prior to that date for a sanitary landfill, unless and until the permit applicant documents that steps are being taken to begin implementing the plan filed pursuant to section 455B.306. However, a permit may be issued for the construction and operation of a new sanitary landfill in accordance with subsection 2.

5. Beginning July 1, 1997, the executive director shall not renew or reissue a permit which had been renewed or reissued prior to that date for a sanitary landfill, unless and until the permit applicant documents that alternative methods of solid waste disposal other than use of a sanitary landfill have been implemented as set forth in the plan filed pursuant to section